REMARKS

In the Office Action, claims 1-98 were rejected. In the "Office Action Summary", the Examiner listed claims 48 and 78 under the "Disposition of Claims" as rejected. However, no prior art rejection was formulated against claims 48 and 78 in the "Detailed Action". Applicants therefore believe that claims 48 and 78 are allowable in light of the references cited. By the present Response, claims 1, 19, 23-25, 40-55, and 57 have been amended and claims 76-98 have been cancelled. Upon entry of the amendments, claims 1-75 will remain pending in the present patent application. Reconsideration and allowance of all pending claims are requested in view of the arguments summarized below.

Rejections Under 35 U.S.C. §102

In the Office Action, claims 40-44, 52, 54, 57-61, 74-77, 79 and 81-83 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kaufmann et al., U.S. Patent No. 6,901,277 (hereinafter "Kaufmann"). A *prima facie* case of anticipation under 35 U.S.C. § 102 requires a showing that each limitation of a claim is found in a single reference, practice or device. *In re Donohue*, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985). Applicants respectfully assert that the present invention, as recited in amended independent claims 40, 54, and 57 is patentable over the Kaufmann reference.

Independent claims 40, 54, and 57 have been amended to more clearly point out certain of the claimed subject matter. Specifically, each of the independent claims 40, 54 and 57 now recites, in generally similar language, *analysis software executable on a personal computer of a patient* and *downloading medical images of the patient produced by the imaging apparatus to the personal computer of the patient.*

Kaufmann discloses systems, software code, graphical user interfaces, and methods for displaying and analyzing lung CT or MRI image datasets of a patient. The lung datasets

can be analyzed to map, track, and analyze the nodules in a series of lung slice images or image scans, as well as to record other lung and chest abnormalities.

However, Applicants respectfully submit that Kaufmann fails to disclose *analysis software executable on a personal computer of a patient and downloading medical images of the patient produced by the imaging apparatus to the personal computer of the patient*. The Examiner acknowledged this. *See*, Office Action, page 13. However, the Examiner, in rejecting claims 1-39 under §103(a), stated that Iliff, U.S. Patent No. 6,234,964 (hereinafter "Iliff") discloses a disease management method that includes analysis software executable on a personal computer of a patient. On this issue, the Examiner indicated that the disease management module of Iliff can be executed on a patient computer. *See*, Iliff, column 1, lines 12-14; *see also*, column 6, lines 59-67 and column 13, lines 12-27. The Examiner further stated that Iliff discloses downloading medical images of the patient produced by an imaging apparatus to the personal computer of the patient, and indicated that patient can access a database of different imaging modalities. *See*, Iliff, column 8, lines 23-26.

Applicants respectfully submit that Iliff does not disclose, teach or suggest an analysis software *executable on a personal computer of a patient*. The "disease management module" is not same as the "analysis software" as recited in the present claims. Applicants respectfully assert that the disease management module disclosed in Iliff is only configured to monitor the progression of disease by querying the patient and storing the patient's responses. It does not appear that the Iliff software performs any *image analysis*. While, the disease management module disclosed in Iliff is configured to access laboratory test database or imaging modality database to obtain treatment information or the diagnosis, clearly, this is not the same as downloading the images of a patient from the imaging apparatus database to the personal computer of the patient or analyzing such images.

At least because both Kaufmann and Iliff fail to disclose or suggest software executable on a personal computer of a patient for analyzing images of the patient, the references cannot support a *prima facie* case of anticipation or obviousness of claims 40, 54 and 57.

Claims 41-44, 52, 58-61, and 74-75 depend directly or indirectly from claims 40, 54 and 57 respectively. Accordingly, Applicants submit that claims 41-44, 52, 58-61, and 74-75 are allowable by virtue of their dependency from an allowable base claim. Applicants also submit that the dependent claims are further allowable by virtue of the subject matter they separately recite.

Thus, it is respectfully requested that the rejections of claims 40-44, 52, 54, 57-61 and 74-75 under 35 USC § 102(e) be withdrawn.

Rejections Under 35 U.S.C. §103

Claims 45-47, 49-51, 62-64, 69-73, 84-86 and 91-97 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Kaufman in view of Kotmel et al., U.S. Patent Application No. 2003/0055331 (hereinafter "Kotmel"). Claims 65-68 and 87-90 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Kaufman in view of Kotmel and further in view of Vining, U.S. Patent No. 6,083,162 (hereinafter "Vining"). Claims 55-56, 79 and 80 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Kaufman. Claims 1-39 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Kaufmann in view of Iliff. Claims 53 and 98 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Kaufman in view of Chalana et al., U.S. Patent No. 7,158,692 (hereinafter "Chalana").

Of these, only claims 1, 19, and 53 are independent. Thus, independent claims 1 an 19 were rejected in view of Kaufmann combined with Iliff, while claim 53 was rejected in view of Kaufmann combined with Chalana.

First, as summarized above, Kaufmann and Iliff, alone or in combination, do not teach, suggest or disclose each and every aspect of the invention recited in amended independent claims 40, 54 and 57. Claims 45-47, 49-51, 55-56, 62-64 and 65-73 depend directly or indirectly from these, and are allowable by virtue of such dependency, as well as for the subject matter they separately recite. Thus, it is respectfully requested that the rejection of claims 45-47, 49-51, 55-56, 62-64 and 65-73 under 35 U.S.C. §103(a) be withdrawn.

Further, independent claims 1, 19, and 53 have been amended to recite, in generally similar language, *analysis of images via software executable on a personal computer of a patient*. As discussed above, Kaufmann and Iliff, alone or in combination, fail to teach, disclose or such analysis on a patient computer. Additionally, Chalana fails to teach, disclose or suggest any such analysis software executable on a personal computer of the patient or any such downloading. Indeed, the Examiner did not argue that it does so.

At least because the Kaufmann, Iliff and Chalana, alone or in combination, fail to teach disclose or suggest analysis of images via software executable on a personal computer of a patient as claimed, and none of the remaining references were argued to do so, Applicants submit that a *prima facie* case of obviousness is not supported against claims 1, 19 and 53 for rejection under 35 U.S.C. § 103 (a).
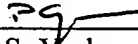
Claims 2-18 and 20-39 depend directly or indirectly from claims 1 and 19 respectively, and are therefore allowable by virtue of such dependency, as well as for the subject matter they separately recite. Thus, it is respectfully requested that the rejections of claims 1-39 and 53 under 35 U.S.C. § 103 (a) be withdrawn.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: _____ 5/1/2007 _____

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